



Oregon

Kate Brown, Governor

Department of Human Services
Office of Developmental Disabilities Services
PO Box 14540, Salem, OR 97309
Phone: (503) 945-7800
Fax (503) 373-2228

February 15, 2019



Yvette Doan, Director
Mentor Oregon
11010 SE Division St., Suite 300
Portland, OR 97226

Dear Ms. Doan:

Enclosed you will find the Office of Developmental Disabilities Services Notice of Imposition of Conditions on Mentor Oregon's Medicaid Agency Certificate. Also enclosed is a copy of your revised certificate, reflecting the imposed conditions.

This Notice of Imposition of Conditions is in addition to the current Imposition of Conditions in Curry County, which remains in place.

Your rights are explained in the enclosed notice. Please call me at 503-373-1992 if you have any questions.

Sincerely,

Nicole Winje
Corrective Action Coordinator
Office of Developmental Disabilities Services

Enclosure: Notice of Imposition of Certificate Conditions
Revised Certificate

CC: Kim Cota, Clackamas CDDP; Matthew Clark, Curry CDDP; Paul Partridge, Deschutes CDDP; Michelle Pardon, Douglas CLCM; Phillip Squibb, Klamath CDDP; Corissa Neufeldt, Marion CDDP; Dawn Alisa Sadler, Multnomah CDDP; Chelas Kronenberg, ODDS
Agency File

Certified Mail # 7018 0680 0000 3316 2773

Date Mailed _____

Department of Human Services
Office of Developmental Disabilities Services
PO Box 14540
Salem, Oregon 97309

In the Matter of:

NATIONAL MENTOR SERVICES, LLC,) Notice of Imposition of
dba MENTOR OREGON,) Conditions on Medicaid Agency
24-HOUR RESIDENTIAL and) Certificate and Endorsements
SUPPORTED LIVING ENDORSEMENTS
a Certified Medicaid Agency

TO: Yvette Doan, Authorized Representative
Mentor Oregon
11010 SE Division St., Suite 300
Portland, OR 97226

AUTHORITY¹

This notice is being sent to you pursuant to Oregon Revised Statutes (ORS) 443.400 through 443.455, 410.070 and 427.007 and the Oregon Administrative Rules (OAR)s that implement those statutes.

AGENCY RESPONSIBILITY

During the times mentioned in this Notice, Mentor Oregon (the "Agency") was certified as a Medicaid Agency with a 24-Hour Residential Services Endorsement and a Supported Living Endorsement by the Department of Human Services (the "Department"). The agency was responsible to comply with all program service rules as defined below.

¹ Section titles are provided solely as a convenience and should not be construed as having any legal significance.

STATEMENT OF VIOLATIONS

Case Management Entities (CMEs), who are responsible for monitoring care and services in their area, conducted a statewide review of services provided by Mentor Oregon and found there is creditable evidence of widespread licensing violations. In addition, a Protective Service Investigation involving a death, also provided evidence of possible abuse by neglect, included but not limited to, the following violations:

- ODDS Field Liaison conducted a monitoring review on 2/7/19, the Field Liaison spoke with a client at a Klamath County 24-Hour Residential group home. At that time, CME noted the client's bedroom smelled strongly of urine. On 2/10/19, the same client was admitted to the hospital. The client was determined to have had a stroke, pneumonia and a urinary tract infection.

According to an Incident Report (IR) written on 2/13/19, staff stated that when they tried to wake the client up, he/she was acting "weird". 911 was contacted and EMT's attempted sternum rubs but were unable to get a response from the client. The client was transported to the ER via ambulance. The client was admitted into the ICU and a CT scan was being conducted to determine cause. The client was on a ventilator. Hospital staff reported that the clients heart stopped twice; CPR was performed. On Tuesday, February 12, 2019, the client passed away. A Protective Service investigation is pending.

- During Case Management Entities (CMEs) statewide review of services provided by Mentor Oregon the following violations were noted:

Curry County:

- 724 2nd St., 24-Hour Residential group home:
 - Client was prescribed an ointment, but this mediation was not being tracked on the Medication Administration Record (MAR).
 - There was no documentation of a staff training log.

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- 717 6th St., 24-Hour Residential group home:
 - Last fire drill conducted occurred on 7/31/18.
 - Client assaulted a program supervisor; a Protective Service Investigation has been opened.
- 1110 Easy St., 24-Hour Residential group home:
 - No documentation of the last fire drill conducted.
 - Several clients needed their nails and toenails trimmed.
 - Program books were not present on site.

Clackamas County:

- Clackamas DSA services:
 - Several staff were not trained.
 - Several clients have missing documentation and program books.

Douglas County:

- 154 Civil Bend, 24-Hour Residential group home:
 - No documentation of staff training.
 - Multiple clients show inconsistencies between RIT, Safety Plan and Risk Management Page of ISP.

Klamath County:

- 1910 Carlson Dr., 24-Hour Residential group home:
 - Multiple clients do not have updated support documents in the programs book.
 - Unable to review fire drill records.
- 5180 Gatewood Dr., 24-Hour Residential group home:
 - No evidence of staff training or a training log.
 - Unable to review fire drill records.
 - Two clients had outdated HCR paperwork.
- 4865 Glenwood Dr., 24-Hour Residential group home:
 - Staff were unaware on how to access the MAR.
 - Unable to review fire drill records.

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- 3530 Hope St., 24-Hour Residential group home:
 - Unable to review fire drill records.
 - Unable to review MAR.
- 3032 Paramount St., 24-Hour Residential group home:
 - Unable to review fire drill records.
 - Unable to review MAR.
 - Current protocols are not in the book.
 - Supports are inconsistent with ISP/RIT/PRMS.
 - Clients balancing form was out of date, last completed on 10/10/17.
- 2459 Patterson, 24-Hour Residential group home:
 - Unable to review fire drill records.
 - Unable to review MAR.
 - Heater in the home was not working.
 - RIT, protocols and nursing plans are outdated or not present in program book.
- 3103 Summers Lane, 24-Hour Residential group home:
 - Unable to review fire drill records.
 - Unable to review MAR.
 - Issues addressed through the safety plan and not protocols.
 - ISP and PRMS do not match.
- 5499 Villa Dr., 24-Hour Residential group home:
 - Unable to review fire drill records.
 - Unable to review MAR.
 - Trash had not been picked up for 2 weeks in a row.
- Klamath Supported Living services:
 - Four out of five supported living staff in Klamath County have been placed on administrative leave due to substance use on the job. One of these staff is the manager and was reported to have known what was occurring but didn't report it.

Multnomah County:

- 4131, 4133, 4135 SE 112th Ave., 24-Hour Residential group home:

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- No training records, MARs were missing.
 - Client had no dental records, needs a balancing test, and has no labs in book.
 - Client has no vision records; medical documentation is unfiled.
 - Client has no dental, vision or lab records.
 - Client is overdue for checkup, balancing test needed.
- 944 NE 118th Ave., 24-Hour Residential group home:
 - No documented training logs or records.
 - 1841 NE 116th Pl., 24-Hour Residential group home:
 - No training sign off sheet.
 - MAR not present.

Washington County:

- Washington DSA services:
 - Lack of staff training.
 - Lack of adequate staffing for clients.
 - Chemicals were unlocked.

CONCLUSION OF LAW

There is reliable evidence of systemic abuse and neglect by Mentor Oregon, as described above. Mentor Oregon has neglected the care of multiple residents, constituting abuse under ORS 430.735 (1)(e) and (10)(c). Further, Mentor Oregon violated the following rules of the Department: OAR 411-325-0120(2)(a)(D); 411-323-0060 (1).

IMPOSITION OF CONDITIONS

Pursuant to OAR 411-323-0030(10)(a); (11)(b)(B), (C)and (D); (c)(H), (d), (e)(A)(B), (f) and (g), and 411-325-0060(1)(b), (c), and(d), the Department intends to impose the following conditions on your **Medicaid Agency Certificate and 24-Hour Residential Services and Supported Living endorsements in the counties Mentor Oregon provides services in: Clackamas County, Curry County, Deschutes County, Douglas County, Klamath County, Marion County and Multnomah County:**

- **Restriction of Admissions:** No admissions into Mentor Oregon 24 Hour Residential Homes or Supported Living services.
- **No transfers into Mentor Oregon 24 Hour Residential Homes or Supported Living services without ODDS and CME prior approval.**

The condition takes effect immediately upon issuance of this notice and will remain in effect until removed by the Department. The Agency may send a written request to the Department to remove a condition if the Agency believes the situation that warranted the condition has been remedied. The condition will be reviewed by ODDS upon the completion and approval of the following:

- Pending the outcome of the Klamath County Protective Service Investigation involving a death.
- Mentor Oregon's Area Director and Program Coordinator for each respective program in each county services are provided in will meet with the CME monthly, at minimum, for 6 months to review each individual served to address supports and concerns.
- Mentor Oregon to submit monthly updates to DD Licensing with the notes and follow up items from each monthly meeting with each respective CME.
- No new 24-Hour Licenses or Endorsements will be issued to Mentor Oregon.
- Mentor Oregon to correct issues identified during the CME statewide review of services and submit a Plan of Improvement (POI) to DD Licensing by 3/18/19.

APPEAL RIGHTS

The Agency is entitled to a hearing as provided by ORS Chapter 183, the Administrative Procedures Act. The Agency is entitled to be represented by counsel at the hearing. If a hearing is desired, the undersigned must receive written notification of such request within twenty-one (21) days from the receipt of this Notice. Any request for a hearing does not delay enforcement of the condition.

In addition to, or in lieu of a hearing, the Agency may request an administrative review. The administrative review does not diminish the Agency's right to a hearing.

Mentor Oregon, Imposition of Conditions

If the Agency submits a timely request for a hearing, the Agency will be notified of the time and place of the hearing. Information on the hearing process will be provided to the Agency in accordance with ORS 183.413(2).

If the Agency fails to request a hearing within the time allowed, requests a hearing and later withdraws the hearing request, requests a hearing and fails to appear at the time and place set for the hearing, or notifies the Department the Agency will not appear at the hearing and the Department has not rescheduled the hearing, the Agency will be in default. If the Agency is in default, the Department will not hold a hearing and the record of the proceeding to date (including the information in the Department's file or files on the subject of the contested case) will automatically become part of the contested case records for the purpose of making a *prima facie* case and the Department may issue a final order by default.

CONTACT PERSON

Questions concerning this imposition of conditions should be directed to:

Nicole Winje, Corrective Action Coordinator
Department of Human Services
Office of Developmental Disabilities Services
PO Box 14540
Salem, OR 97309
503-373-1992
Nicole.A.Winje@state.or.us

Lilia Teninty, Director
Lilia Teninty, Director
Office of Developmental Disabilities Services

Feby 15, 2019
Date

NOTE TO MILITARY PERSONNEL: Active duty service members have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information, you may contact the Oregon State Bar (800-452-8260), Oregon Military Department (800-452-7500), or the nearest legal assistance office, <http://legalassistance.law.af.mil>



Oregon Department of Human Services
Office of Developmental Disabilities Services

Agency Certificate
Developmental Disability Services
This certificate signifies that:

National Mentor Services, LLC Dba Mentor Oregon
DZ0112

Is in substantial compliance with OAR chapter 411, division 323, and is hereby granted the following endorsements to provide services:

Professional Behavior Supports
OAR 411-304-0110 through 411-304-0210

Employment Services
OAR 411-345-0010 through 411-345-0280

Community Living Supports
OAR 411-450-0010 through 411-450-0100

Supported Living Services
OAR 411-328-0550 through 411-328-0830

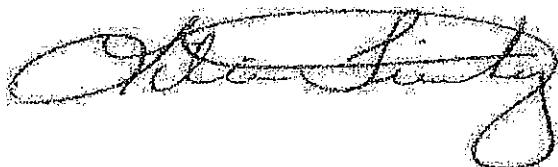
24 Hour Residential Services
OAR 411-325-0010 through 411-325-0440
**Each 24 Hour site will be individually licensed.*

Pursuant to OAR 411-323-0030(10)(a), (11)(b)(B), (C) and (D), (c)(H), (d), (e) (A)(B), (f) and (g), and 411-325-0060(1)(b), and (c), the Department intends to impose the following conditions on your **Medicaid Agency Certificate and 24-Hour Residential Services and Supported Living endorsements in the counties** Mentor Oregon provides services in; **Clackamas County, Curry County, Deschutes County, Douglas County, Klamath County, Marion County and Multnomah County:**

- **Restriction of Admissions: No admissions into Mentor Oregon 24 Hour Residential Homes or Supported Living services.**
- **No transfers into Mentor Oregon 24 Hour Residential Homes or Supported Living services without ODDS and CME prior approval.**

Effective Date: June 30, 2018 Expiration Date: June 30, 2020

This Certificate is non-transferable.



Director of the Office of Developmental Disabilities Services